

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

DeLaval International AB

Plaintiff,

v.

Alpha Technology U.S.A. Corporation  
d/b/a FutureCow

Defendant.

CASE NO. 13-cv-673

**COMPLAINT**

Plaintiff DeLaval International AB ("DeLaval") by its undersigned counsel, for its Complaint against Alpha Technology U.S.A. Corporation doing business as FutureCow ("FutureCow"), alleges as follows:

**BACKGROUND AND PARTIES**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.
2. DeLaval is a company formed under the laws of Sweden with its principal place of business located at Tumba, Sweden. DeLaval is the assignee of U.S. Patent No. 7,481,184 ("the '184 patent"), entitled Livestock Brushing Device, and holds all right, title and interest in the '184 patent, including the right to obtain damages for past infringement. A true and correct copy of the '184 patent is attached hereto as Exhibit A and is incorporated herein by reference.

3. On information and belief, FutureCow is a Florida corporation located at 1340 Bennett Drive, Longwood, Florida 32750.

### **JURISDICTION AND VENUE**

4. Jurisdiction of this Court is conferred by 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

5. This Court has personal jurisdiction over FutureCow pursuant to *Wis. Stat. § 801.05*. Generally, FutureCow conducts substantial and not isolated business activities within the forum by continuously and regularly offering a variety of dairy industry products and services to dairy farms in Wisconsin. Specifically, FutureCow has used, sold and/or offered for sale in Wisconsin products that infringe at least one claim of the '184 patent. These products are marketed and offered for sale by FutureCow in this district through, *inter alia*, NASCO, a Wisconsin dealer located in Fort Atkinson, Wisconsin. FutureCow also sells and offers to sell infringing products through its interactive website and targets Wisconsin residents, including residents within this district, by offering discounts to customers located in Wisconsin, displaying and promoting infringing products at tradeshow in Wisconsin, and distributing infringing products to Wisconsin residents.

### **INFRINGEMENT OF THE '184 PATENT**

6. Plaintiff hereby re-alleges and incorporates each allegation set forth in the previous paragraphs.

7. DeLaval has not granted a license to FutureCow under the '184 patent.

8. On information and belief, FutureCow is and has been using, selling and/or

offering for sale in the United States, livestock brushing devices which infringe one or more claims of the '184 patent including, without limitation, Claim 1. Infringing products include, without limitation, the FutureCow Comfort Brush.

9. On information and belief, FutureCow is and has been making in the United States and/or importing into the United States, livestock brushing devices which infringe one or more claims of the '184 patent including, without limitation, Claim 1. Infringing products include, without limitation, the FutureCow Comfort Brush.

10. DeLaval sells and offers to sell products that are covered by the '184 patent in the United States. DeLaval has suffered irreparable harm and will continue to suffer irreparable harm unless FutureCow is enjoined from infringing the '184 patent. DeLaval has no adequate remedy at law.

**RELIEF**

WHEREFOR, Plaintiff requests this Court to enter judgment against Defendant and its subsidiaries, parents, affiliates, agents, servants, employees, and all persons in active concert or participation with Defendant, granting the following relief:

- a) an award of damages to DeLaval adequate to compensate for the infringement that has occurred, together with prejudgment interest from the date infringement of the '184 patent began;
- b) an accounting of Defendant's sales and profits;
- c) all other damages permitted by 35 U.S.C. § 284;
- d) a permanent injunction prohibiting further direct and indirect infringement of the '184 patent;
- e) such other relief as may be just and equitable.

Dated: September 25, 2013

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